

Application No.: 10/669,204

Attorney Docket No.: NIDSNZ00101

REMARKS

Claims 2-10 were pending in the present application. By virtue of this response, claims 1-10 have been cancelled, and new claims 11-25 have been added. Accordingly, claims 11-25 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Rejections under the Judicially Created Doctrine of Double Patenting

Claims 2-4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 33-35, 43, and 44 of U.S. Patent No. 6,626,899 B2.

A terminal disclaimer has been filed with this response. Applicant respectfully submits that the terminal disclosure is sufficient to overcome the obviousness-type double patenting rejection.

Rejections under 35 U.S.C. §112, second paragraph

Claims 9 and 10 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 and 10 have been canceled.

Rejections under 35 U.S.C. §102(e)

Claims 2-8 are rejected under 35 U.S.C. §102(e) as being anticipated by St. Goar et al. (U.S. Patent No. 6,629,534 B1).

Claims 2-8 have been canceled.

Application No.: 10/669,204

Attorney Docket No.: NIDSNZ00101

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



David A. Levine
Registration No. 48,821

Customer No. 40518
Levine Bagade LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303
Direct: (650) 242-4210
Fax: (650) 284-2180